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By: \_\_\_\_\_

Nancy Foster

PATENT

Customer Number: 22,852

Attorney Docket No. 6843.0050-04000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Steven K. YOSHINAGA )

Group Art Unit: 1644

Application No.: 09/890,729 )

Examiner: Gerald R. EWOLDT

Filed: August 3, 2001 )

For: POLYPEPTIDES INVOLVED )  
IN IMMUNE RESPONSE )

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

Applicant now responds to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Notice) mailed July 7, 2003. A copy of the Notice is enclosed.

Applicant thanks the Examiner for discussing the Notice with the undersigned in a telephone conference on August 4, 2003. The following reflects the telephone discussion. The Action states that "nucleotide sequences complimentary to SEQ ID NOS: 1, 11, 6, and 16 have been claimed. Said complementary sequences must be included in the Sequence Listing and be identified in the claims by separate SEQ ID NOS:." Although sequences complementary to SEQ ID NOS: 1, 11, 6, and 16 are claimed, the Examiner agreed that those complementary sequences need not be

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included in the Sequence Listing, because such sequences are not separately listed by nucleotide in the specification or in the claims.

Applicant respectfully asserts that the application is in compliance with the requirements for nucleotide and/or amino acid sequence disclosures as set forth in 37 C.F.R. § § 1.821 - 1.825. Each sequence recited in the specification is identified by a SEQ ID NO: and is listed on the Sequence Listing. Accordingly, Applicant respectfully requests withdrawal of the Notice.

If there is any fee due in connection with the filing of this response, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 6, 2003

By: 

Clifford E. Ford  
Reg. No. 52,903

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UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 C.F.R. 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. Specifically, nucleotide sequences complimentary to SEQ ID NOS:1, 11, 6, and 16 have been claimed. Said complementary sequences must be included in the Sequence Listing and be identified in the claims by separate SEQ ID NOS:..

APPLICANT IS GIVEN **30 days** FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. **In no case may an applicant extend the period for response beyond the six month statutory period.**

Any inquiry concerning this communication should be directed to Dr. Gerald Ewoldt whose telephone number is (703) 308-9805. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Christina Chan whose telephone number is (703) 308-3973. The fax number for the organization where this application is assigned is (703) 308-4242.

G.R. Ewoldt, Ph.D.  
Primary Examiner  
Tech Center 1600  
July 03, 2003

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**